

## **REMARKS**

### **Request for Reconsideration**

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments and the following remarks.

### **Claim Status**

Claims 1-3, 8-11, 13, 15 and 16 are pending, and claims 9-11 have been withdrawn.

Claim 1 is amended to more particularly describe a cross-linking system, and to include elements of previously pending claims 5-7. Claims 5-7, 12 and 14 are newly cancelled, without prejudice.

Withdrawn claim 10 is amended in conformity with amended claim 1. The withdrawn claims are amended in view of the possibility of rejoinder, as noted by the Examiner at page 3 of the Office Action dated September 3, 2009.

Entry of the foregoing amendments is respectfully requested after Final, since the elements added to claims 1 and 10 have previously been before the Examiner, and are made in order to more particularly set forth that which Applicants consider to be their invention.

No new matter is added.

#### **Objections and Amendments to the Specification**

The Examiner has objected to the title of the specification not being in uppercase font. The title is amended to be in uppercase letters, without underlining or bold.

#### **Prior Art Rejections**

The following prior art rejections have been made:

(1) claims 1-3, 5-6 and 12-14 had been rejected under 35 U.S.C. 103(a) as allegedly obvious over Centner et al. (US Patent Publication No. 2004/0097638, "Centner") in view of Peters et al. (US 6,258,888B1; "Peters");

(2) claims 7-8 and 16 had been rejected under 35 U.S.C. 103(a) as allegedly obvious over Centner, in view of Peters, and further in view of Nakagawa et al. (US 6,586,090, "Nakagawa") and

(3) claim 15 had been rejected under 35 U.S.C. 103(a) as allegedly obvious over Centner, in view of Peters, and further in view of Endo (WO 01/015589).

Claim 1 has been amended to include the elements of Claims 5-7, thus, rejections (1) and (3) are moot.

Claim 1 has been amended to recite that the coating mixture contains 1 to 15 parts by weight of an isocyanate. The Examiner had conceded, at page 6 of the Office Action, that "Centner is silent [as] to the cross linkers...recited in current claim 1 and the compositional percentages of the cross linkers as recited in current claim 5." The Examiner had then argued that this deficiency is remedied by Peters. Peters had been cited to teach, "aqueous polymer emulsions (title) with the aqueous emulsion polymer system comprising polymers of the (meth)acrylates (i.e. Table 2), said polymers possess functional groups for imparting latent crosslinkability, said functional group is an epoxy (column 14, lines 7-15)." Underline in original.

The Examiner's attention is respectfully directed to three clear differences between the invention of, e.g., claim 1 and that disclosed by Centner, taken alone or in any combination with the secondary reference(s).

(1) Applicants do not agree with the interpretation of the Examiner regarding monomer (f). Monomer (f) is, by definition, a monomer whereas the cross-linking agent required by claim 1 is an isocyanate.

(2) Centner's monomer (f) is added to the other monomers (a) to (e), and the mixture of monomers is then emulsion polymerized (Centner, ¶0068). By contrast, the isocyanate cross-linking agent of claim 1 is not emulsion polymerized, but is added to an acrylic dispersion. The acrylic was made prior to the addition of the isocyanate so, the isocyanate is not present during the polymerizing step.

(3) Claim 1 is directed to a film having a support layer coated with an (adhesive) mixture, wherein the support layer has one or more layers, each of which comprises one or more specific (co-)polymers. Centner does not disclose such a support layer, and rather directs the skilled person to plasticized PVC supports (see, for example, Centner ¶0105, et seq.).

It is also respectfully submitted that Centner's adhesive would have too great a level of adhesion, relative to the claimed invention, and the artisan would be expected Centner's adhesive to leave marks or residues on an auto body, upon removal. Thus, one of skill in the art would not look to Centner's composition for teaching an adhesive composition suitable for use with motor vehicle bodies.

Peters fails to remedy these clear deficiencies. Peters relates to aqueous polymer emulsions, and indeed mentions in column 14 that "one or both of the oligomer and hydrophobic polymer parts of the aqueous emulsion polymer system .... optionally possess functional groups for imparting latent crosslinkability to the composition .... Alternatively, one or more polymers could carry functional groups such as hydroxyl groups and the composition subsequently formulated with a crosslinking agent such as a polyisocyanate, melamine or glycouril. ... " (underline added for emphasis).

The Examiner is respectfully requested to take notice that, at the time the invention was made, the artisan would have known that hydroxyl groups were required to crosslink (poly)isocyanates. Applicants are not aware of other functional groups which, at that time, would have been known or expected to

successfully crosslink with isocyanates. The films of claim 1 comprise a support layer coated with a mixture containing an isocyanate, and an acrylic dispersion which does not require the presence of polymers with hydroxyl groups. It would have been surprising and totally unexpected to find that isocyanates can crosslink in the absence of polymers bearing hydroxyl groups. Neither Centner, taken alone, or in any combination with Peters, would have taught or suggested to use a specific crosslinking agent, i.e., an isocyanate.

In addition, when the emulsion comprises 2-ethylhexyl acrylate and ethyl acrylate, these are used in a combined amount of less than 30% by weight, see Peters, column 10, lines 62-64. By way of comparison, the acrylic dispersion used to prepare the films of, e.g., claim 1, comprises at least 60% by weight of 2-ethylhexyl acrylate and ethyl acrylate, i.e., at least twice more. For the artisan, a combined amount of 2-ethylhexyl acrylate and ethyl acrylate of less than 30% by weight in a PSA would have indicated a low level of tack (adhesion) for the PSA at ambient temperature. Whilst such a PSA is suitable for preparing water borne inks or overprint lacquer formulations, it is not suitable for preparing films intended to protect motor vehicle bodies, because such films would simply not adhere to the vehicle surfaces.

In summary, Centner teaches an adhesive article that differs substantially in composition and properties from the protective film of claim 1, et seq. The Centner adhesive article would have a level of adhesion too high for protecting motor vehicle bodies. In contrast, Peters teaches an aqueous polymer emulsion that would have had a level of adhesion too low for use in films for protecting motor vehicle bodies. Thus, it is respectfully submitted that Centner, taken in view of Peters, fails to make out a *prima facie* rejection under 35 USC 103(a) over claims 1.

Respectfully, the claims are patentable over the cited references taken alone or in combination.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Should any fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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